

## HOUSE BILL NO. 621

INTRODUCED BY E. BUTCHER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SCHOOL DISTRICT TO INCLUDE STUDENTS ENROLLED IN A NONPUBLIC OR HOME SCHOOL IN THE DISTRICT'S ANB CALCULATIONS; REQUIRING A NONPUBLIC OR HOME SCHOOL TO REPORT ENROLLMENT TO THE COUNTY SUPERINTENDENT; AND AMENDING SECTIONS 20-5-109 AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 20-5-109, MCA, is amended to read:

**"20-5-109. Nonpublic school requirements for compulsory enrollment exemption.** To qualify its students for exemption from compulsory enrollment under 20-5-102, a nonpublic or home school ~~shall~~:

(1) shall maintain records on pupil attendance and disease immunization and make the records available to the county superintendent of schools on request;

(2) shall provide at least 180 days of pupil instruction or the equivalent in accordance with 20-1-301 and 20-1-302;

(3) must be housed in a building that complies with applicable local health and safety regulations;

(4) shall provide an organized course of study that includes instruction in the subjects required of public schools as a basic ~~instructional~~ educational program pursuant to 20-7-111;

(5) shall report the number of children enrolled in the nonpublic or home school to the county superintendent of schools of the county in which the nonpublic or home school is located by September 15 of each school fiscal year. The county superintendent shall determine the resident school district of each child enrolled in a nonpublic or home school and report that enrollment to the resident school district by the first Monday in October of each school fiscal year. By February 1 of each school fiscal year, the county superintendent shall verify the enrollment reported in September and report the enrollment to the resident school district. and

~~(5)(6)~~ shall, in the case of home schools, notify the county superintendent of schools; of the county in which the home school is located; in each school fiscal year of the student's attendance of students at the school in each school fiscal year."

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2       **Section 2.** Section 20-9-311, MCA, is amended to read:

3       **"20-9-311. Calculation of average number belonging (ANB).** (1) Average number belonging (ANB)  
4 must be computed as follows:

5       (a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were  
6 enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils  
7 on February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day,  
8 and divide the sum by two; and

9       (b) multiply the average enrollment calculated in subsection (1)(a) by the sum of the pupil-instruction  
10 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

11       (2) For the purpose of calculating ANB under subsection (1), the enrollment in a nonpublic or home  
12 school located within the boundaries of a school district, as reported to the county superintendent of schools  
13 under 20-5-109, must be included in the calculation.

14       ~~(2)~~(3) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related  
15 days may be included in the calculation.

16       ~~(3)~~(4) When a school district has approval to operate less than 180 school days under 20-9-806, the  
17 total ANB must be calculated in accordance with the provisions of 20-9-805.

18       ~~(4)~~(5) Enrollment for a part of a morning session or a part of an afternoon session by a pupil must be  
19 counted as enrollment for one-half day.

20       ~~(5)~~(6) In calculating the ANB for pupils enrolled in a program established under 20-7-117(1), enrollment  
21 at a regular session of the program for at least 2 hours of either a morning or an afternoon session must be  
22 counted as one-half pupil for ANB purposes. The ANB for a kindergarten student may not exceed one-half for  
23 each kindergarten pupil.

24       ~~(6)~~(7) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days,  
25 the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil  
26 resumes attendance prior to the day of the enrollment count.

27       ~~(7)~~(8) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the  
28 ANB calculations.

29       ~~(8)~~(9) The average number belonging of the regularly enrolled, full-time pupils for the public schools  
30 of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools

1 of the district, except that when:

2 (a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or  
3 town located in the district and at least 20 miles from any other school of the district, the number of regularly  
4 enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must  
5 receive a basic entitlement for the school calculated separately from the other schools of the district;

6 (ii) a school of the district is located more than 20 miles from any other school of the district and  
7 incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school  
8 must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school  
9 calculated separately from the other schools of the district;

10 (iii) the superintendent of public instruction approves an application not to aggregate when conditions  
11 exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any  
12 other condition exists that would result in an unusual hardship to the pupils of the school if they were transported  
13 to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately  
14 for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the  
15 other schools of the district; or

16 (iv) two or more elementary districts consolidate or annex under the provisions of 20-6-203, 20-6-205,  
17 or 20-6-208, two or more high school districts consolidate or annex under the provisions of 20-6-315 or 20-6-317,  
18 or two or more K-12 districts consolidate or annex under Title 20, chapter 6, part 4, the ANB and the basic  
19 entitlements of the component districts must be calculated separately for a period of 3 years following the  
20 consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years  
21 as follows:

22 (A) 75% of the basic entitlement for the fourth year;

23 (B) 50% of the basic entitlement for the fifth year; and

24 (C) 25% of the basic entitlement for the sixth year.

25 (b) a junior high school has been approved and accredited as a junior high school, all of the regularly  
26 enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB  
27 purposes;

28 (c) a middle school has been approved and accredited, all pupils below the 7th grade must be  
29 considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered  
30 high school pupils for ANB purposes; or

(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

~~(9)~~(10) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent."

**NEW SECTION.** **Section 3. Effective date.** [This act] is effective July 1, 2005.

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